

Attorney Docket No.: 03404/000K075-US0

# Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents  
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on March 24, 2006  
Date

B.W. Lee

Signature

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request for Withdrawal of Notice of Abandonment (3 pages)  
Exhibit A - Copy of Notice of Abandonment (2 pages)  
Exhibit B - Declaration of Edward Ellis (3 pages)  
Exhibit C - Declaration of Walter Norris (3 pages)  
Exhibit D - Copy of File Jacket (1 page)  
Exhibit E - PATTSY printout (2 pages)  
Return Postcard



For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: March 24, 2006

~~Respectfully submitted,~~

B

Edward J. Ellis

Registration No.: 40,389

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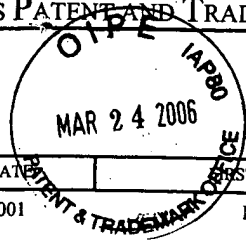
Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

*E. Ellis*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/998,621

11/30/2001

Masato Takahashi

3404/OK075

4928

7278

7590

02/27/2006

DARBY & DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT

PAPER NUMBER

3727

~~DUE:~~ *PETITION To Revoke*

Docketed on \_\_\_\_\_ by \_\_\_\_\_ for

DATE MAILED: 02/27/2006

Docketed without file ☐

Attorney \_\_\_\_\_

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

09/998,621

Examiner

Robin A. Hylton

Applicant(s)

TAKAHASHI ET AL.


Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 June 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
ROBIN A. HYLTON  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD  
THEREOF

## DECLARATION OF EDWARD J. ELLIS

Edward J. Ellis declares and says:

1. I am an attorney of record in the above identified application.
2. I make this declaration in support of the REQUEST TO WITHDRAW


HOLDING OF ABANDONMENT. The REQUEST which seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006, in the above-referenced application and (b) to have the Office Action dated June 6, 2005 remailed to the Applicants.

3. Upon receiving this Notice of Abandonment, I checked the file jacket of the present application for the existence of the Office Action dated June 6, 2005 and did not locate such Office Action in the file jacket.

{W:\03404\000K075000\00693468.DOC 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 10


4. A docket sheet (enclosed as Exhibit D) for the present application which is located on the front cover of the file jacket for the application was also checked to see if any entry was made showing receipt of the June 6, 2005 Office Action and the entry of a deadline to file a response to the Office Action. No such docket entry was found but instead, the docket sheet only shows that the RCE was filed on March 14, 2005 as a response to the Final Office Action (see highlighted section on the docket sheet enclosed as Exhibit D) and then an entry entitled "Petition to Revive" was entered with a base date of February 27, 2006 to evidence the mail date and receipt of the Notice of Abandonment.

5. After receiving the Notice of Abandonment, I checked the public PAIR system that is operated at the USPTO.GOV website, at which time and for the first time, the June 6, 2005 Office Action was uncovered and viewed.

{W:\03404\000K075000\00693468.DOC  }

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006

  
Edward J. Ellis

DARBY & DARBY, P.C.  
805 Third Avenue  
New York, N.Y. 10022  
Phone (212) 527-7700

{W:\03404\000K075000\00693468.DOC I have reviewed this document and it is true and correct as stated }  
}



Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD  
THEREOF

## DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.

2. I make this declaration in support of the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The REQUEST seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.


3. On information and belief and based on a review of the file jacket of the present application and the docket sheet for the present application, the June 6, 2005 Office

Action was not received by Darby & Darby P.C.

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4. It is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

5. All USPTO documents with deadlines (including Office Actions) are scanned into the firm's network so that they can be viewed and/or printed at any time. In addition, a docket entry indicating that mail has been received is entered into the corresponding record in our database, identified by the USPTO mail date and name of the document. (To keep the firm's personnel fully informed at all times, a database report is generated on a daily basis identifying all USPTO mail received.) The actual USPTO document is then matched to the hard file and delivered to the Docketing Department for docketing of its due date on the cover of the hard file, as well as in the firm's hard docketing ledgers.

6. I have checked our running report of USPTO mail received after the alleged mail date of the Office Action in this case (June 6, 2005), and found that we have no record of having received any USPTO mail for this matter up to the receipt of the Notice of Abandonment. A computer print screen from our database (enclosed as Exhibit E) for the present application shows that no entry was made for an Office Action dated June 6, 2005, but instead merely shows that the next communication received after the Request for Continued  
{W:\03404\000K075000\00692761.DOC  }

Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application (Exhibit D) likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006

Walter J. Norris

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3727)  
# 4928



CLASSIFIED INFORMATION

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03404 / 000K075-USO

PRINTED ON Wednesday, March 08, 2006

Fujimoto Patent & Law Office

Last Updated By: DBP

207

Application No.: 09/998,621

Filing Date: 11/30/2001

Application Type: UTL

Examiner Name:

Group Art Unit:

Confirmation No.:

Client Ref. No.: FPA1-143/-USPAP133

Status: PUBLISHED

Publication No.:

Publication Date: 12/26/2002

Patent No.:

Issue Date:

Title of Invention: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD THEREOF

Small Entity: no

Assignment: R/F: 012339/0340 TOKYO, JAPAN & HYOGO, JAPAN

Assignee(s): Shin-Etsu Polymer Co., Ltd.  
Mitsubishi Cable Industries, Ltd.

Inventor(s): Takahashi, Masato  
Fujimori, Yoshiaki;  
Azuma, Yoshio  
Nishimura, Yasuyuki  
Horita, Naohiro

ACTION	BASE	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP
PETITION TO REVIVE	2/27/2006	2/27/2006		2/27/2006	0		0/M
DELIVER FILE TO DKTG	3/14/2005	8/14/2005		8/14/2005	0		1/M
NOTICE OF APPEAL	12/14/2004	6/14/2005	3	6/14/2005	0	3/14/2005	3/M
FINAL REJECTION	12/14/2004	3/14/2005	3	1	6/14/2005	0	3/14/2005 1/M
RESPONSE TO OA	6/16/2004	9/16/2004	3	1	12/16/2004	1	9/16/2004 1/M
DRAWING REQUIREMENT	6/16/2004	9/16/2004	3	1	12/16/2004	3	9/16/2004 3/M
NOTICE OF APPEAL	8/12/2003	2/12/2004	3		2/12/2004	0	2/11/2004 3/M
FINAL REJECTION	8/12/2003	11/12/2003	3	1	2/12/2004	3	2/11/2004 1/M
DRAWING REQUIREMENT	8/12/2003	11/12/2003	3	1	2/12/2004	3	2/11/2004 1/M
FILE FORMALS???	6/3/2003	11/3/2003	3	1	11/3/2003	0	2/11/2004 1/M

Patent No.

Date

Priority Claimed 6/8/01

Docs. Fwd. 11/30/01

PTO Ack. 3/12/03

03

DARBY & DARBY, P.C.

8

E BLVD.

PATTSY

Entered  
Docketed

11/27/01

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[illegible]

## (2) REFS.

FR	<input type="checkbox"/> N	FINAL REJECTION	12/14/2004	3	M	3/14/2005	3	1	6/14/2005	0	3/14/2005	1	M	Y	Y	N
NA	<input type="checkbox"/> N	NOTICE OF APPEAL	12/14/2004	6	M	6/14/2005			6/14/2005	0	3/14/2005	3	M	Y	Y	N
DK	<input type="checkbox"/> N	DELIVER FILE TO DKTG	3/14/2005	5	M	8/14/2005			8/14/2005	0		1	M	N	Y	N
VV	<input type="checkbox"/> N	PETITION TO REVIVE	2/27/2006	0	M	2/27/2006			2/27/2006	0		0	M	Y	Y	N

## INVENTORS

Takahashi, Masato

Fujimori, Yoshiaki;

Azuma, Yoshio

Nishmura, Yasuyuki

Horita, Naohiro

## ASSIGNEES

Shin-Etsu Polymer Co., Ltd.

Mitsubishi Cable Industries, Ltd.

## USER-DEFINABLE FIELDS

TEXT 1

TEXT 2

Old# 0K075US0

## PATENT FIELDS

SMALL ENTITY ☐ no ☐ ART UNIT

CLAIMS  EXAMINER

PUBLICATION#  CONFIRM#

P11845US00 ENTERED 11/27/2001 MODIFIED 3/8/2006 BY DBP PAY ☐ ATTORNEYS PCS / AAA / HL / EJE

## FILE LOCATION

## FILE/SUBFILE#

## LOC

0K075US0	RAGIB
000K075-US0	EJE
000K075-US0R1	FILE